

Panaji, 3rd June, 2010 (Jyaistha 13, 1932)

SERIES II No. 10



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

### GOVERNMENT OF GOA

#### Department of Agriculture

##### Directorate of Agriculture

###### Order

No. 8/60/2007-08/D.Agro/121

Read: 1) Order No. 8/60/2007-08/D.Agro/261 dated 5-11-2007.

2) Order No. 8/60/2009-10/D.Agro/118 dated 24-06-2009.

3) Order No. 8/60/2009-10/D.Agro/254 dated 17-11-2009.

Government is pleased to grant extension of ad hoc promotion to the following Asstt. Director of Agricultural, Group 'A' Gazetted of the Directorate of Agriculture in the Pay Band—III of Rs. 15,600-39,100+Rs. 5,400/- Grade Pay for a further period of six months as mentioned below against their names or till the post is filled on regular basis whichever is earlier on the same terms and conditions as indicated in the above stated Orders.

Sr. No.	Name & designation of the Officers	Date of extension
1.	Shri Madhav B. Kelkar, Asstt. Director of Agriculture	05-05-2010 to 04-11-2010.
2.	Shri Nevil Alphonso, Asstt. Director of Agriculture	05-05-2010 to 04-11-2010.

This is issued with due concurrence of the Goa Public Service Commission vide their letter No. COM/II/11/2(3)/92-06/(Part file)/888 dated 19-05-2010.

By order and in the name of the Governor of Goa.

*S. S. P. Tendulkar*, Director of Agriculture & ex officio Joint Secretary.

Tonca, Caranzalem, 21st May, 2010.

### Department of Co-operation

#### Office of the Registrar of Co-operative Societies

###### Order

No. 50/3(84)/Elec/BCCS/RGB/BOD/CZ/  
RCS/2010/482

Ref.: 1) Letter No. 1/26/Election/ARCS/CZ/  
RGB/BCCS/2010/1234 dated 05-05-2010  
from the Asstt. Registrar of Co-op.  
Societies, Central Zone, Panaji-Goa,  
requesting therein to grant exemption  
from Section 69 of the Goa Co-ope-  
rative Societies Act, 2001, in terms of  
Section 126A of the Goa Co-op.  
Societies Act, 2001.

2. Order No. 50/3(84)/Elec/BCCS/RGB/  
BOD/CZ/RCS/2010/101 dated 15-04-2010,  
appointing therein the Asstt. Registrar  
of Co-op. Societies, Central Zone,  
Panaji as Asstt. Election Officer to  
conduct the election to the Repre-  
sentative General Body of the Bhandari  
Co-op. Credit Society Ltd., Panaji-Goa.

In exercise of the powers conferred by Section 126A of the Goa Co-operative Societies Act, 2001, Government is pleased to exempt the Bhandari Co-op. Credit Society Ltd., Panaji-Goa from the provisions of Section 69 of the Goa Co-op. Societies Act, 2001, for the next term i.e. 2010 to 2015.

On account of the society being exempted from provision of Section 69 of the said Act, the order referred to at Sr. No. 2 above is hereby stands vacated.

By order and in the name of the Governor of Goa.

*P. K. Patidar*, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 20th May, 2010.

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES II No. 10

3RD JUNE, 2010

**Order**

No. 50/3(86)/Elec/STFS/RGB/BOD/NZ/  
/RCS/2010/483

Ref.: Letter No. 1/21/Election/NZ/2009/4048 dated 25-03-2010 from the Asstt. Registrar of Co-op. Societies, North Zone, Mapusa--Goa, requesting therein to grant exemption from Section 69 of the Goa Co-operative Societies Act, 2001, in terms of Section 126A of the Goa Co-op. Societies Act, 2001.

In exercise of the powers conferred by Section 126A of the Goa Co-operative Societies Act, 2001, Government is pleased to exempt the Satari Taluka Farmers Service Co-op. Society Ltd., Valpoi, Satari-Goa from the provisions of Section 69 of the Goa Co-op. Societies Act, 2001, for the next term i.e. 2010 to 2015.

By order and in the name of the Governor of Goa.

*P. K. Patidar*, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 20th May, 2010.



**Department of Education, Art & Culture**

Directorate of Technical Education  
Polytechnic Section

**Order**

No. 17/3/75/2010/DTE/1920

Read: Memorandum No. 17/2/18/2009/DTE/  
/Part.I//818 dated 05-04-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/34(2)/2008/15 dated 22-01-2010, Government is pleased to appoint Smt. Priyanka Jayesh Simepuruskar on temporary basis to the post of Lecturer in Computer Engineering (Group 'A' Gazetted) in the Government Polytechnic, Panaji on an initial basic pay of Rs. 8,000/- and other allowances as admissible in the pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Smt. Priyanka Jayesh Simepuruskar will be on probation for a period of two years.

She should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

The appointment is further subject to verification of character and antecedents.

By order and in the name of the Governor of Goa.

*Vivek B. Kamat*, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 21st May, 2010.

**Order**

No. 17/3/77/2010/DTE/1921

Read: Memorandum No. 17/2/18/2009/DTE/  
/Part.I/819 dated 05-04-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/34(11)/2008/30 dated 12-02-2010, Government is pleased to appoint Shri Sunil Vishnu Gawade on temporary basis to the post of Lecturer in Mechanical Engineering (Group 'A' Gazetted) in the Government Polytechnic, Panaji on an initial basic pay of Rs. 8,000/- and other allowances as admissible in the pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Shri Sunil Vishnu Gawade will be on probation for a period of two years.

He should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

The appointment is further subject to verification of character and antecedents.

By order and in the name of the Governor of Goa.

*Vivek B. Kamat*, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 21st May, 2010.

**Order**

No. 26/4/41/2010/DTE/1940

Read: Memorandum No. 26/2/1/96/DTE/Part.I/  
/738 dated 26-03-2010.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/34(16)/2008/32 dated 12-02-2010, Government is pleased to appoint Shri Gautam Manohar Agastipurkar on temporary basis to the

post of Lecturer in Workshop (Group 'A' Gazetted) in the Government Polytechnic, Curchorem on an initial basic pay of Rs. 8,000/- and other allowances as admissible in the pay scale of Rs. 8,000-275-13,500 with effect from the date of joining the post as per the terms and conditions contained in the Memorandum cited above.

Shri Gautam Manohar Agastipurkar will be on probation for a period of two years.

He should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

He has been declared fit by Medical Board, Goa Medical College & Hospital, Bambolim vide letter No. 4/106/84-II/GMC dated 01-04-2010. The appointment is further subject to verification of character and antecedents.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 21st May, 2010.

————◆————  
Establishment Section

————◆————  
Order

File No. 17/2/20/2008/DTE/1945

Read Order: 1. 17/2/20/2008/DTE/2631 dated 18-12-2009.  
2. 17/2/20/2008/DTE/441 dated 24-02-2010.  
3. 7/41/2006-Adm.I/846 dated 13-04-2010.

Read Circular: 1. 7/41/2006-Adm.I/22 dated 04-01-2010.  
2. 7/2/20/2008/DTE/81 dated 11-01-2010.

Whereas vide above referred order dated 18-12-2009, Government had issued directives to disband of common cadre for Group "C" and Group "D" staff in respect of Directorate of Technical Education and all Government Polytechnics and College under its administrative control.

And whereas vide above referred circulars staff of Directorate of Education were directed to exercise option as to whether they desire to

continue in the present place or return to their parent department.

And whereas vide order dated 24-02-2010 approval of the Government was conveyed for the constitution of the cadre of Directorate of Technical Education.

And whereas vide order dated 13-03-2010, the names of the staff/officials who had opted to continue in the present place of working were deleted from cadre of Directorate of Education.

Now, therefore the Government is pleased to absorb the following officials/staff in the cadre of the Directorate of Technical Education and their seniority be taken from the date of initial appointment/last promotion (on regular basis).

**(a) Goa College of Art**

1. Shri Kamlakant G. Walke, Lib. Gd. I
2. Shri Bhaskar G. Shilkar, Driver (II)
3. Shri Bhagwan P. Morajkar, Peon
4. Shri Vijay S. Naik, Peon
5. Shri Vasant A. Palyekar, Watchman
6. Shri Nandram Pun, Watchman
7. Smt. Nirmala R. Kholkar, Sweeper
8. Smt. Sunita S. Halarnkar, Sweeper
9. Shri Cruciano A. M. Joao, Projector Operator
10. Shri Maruti S. Naik, Peon
11. Smt. Urmila U. Pednekar, Peon
12. Kum. Rupesh P. Maulingkar, Peon
13. Shri Damodar A. Gaonkar, Bus Cleaner/Conductor
14. Smt. Sulawati P. Malik, Sweeper
15. Shri Prakash B. Gawas, Watchman.

**(b) Goa College of Engineering**

1. Shri Bibbishan B. Satpute, Sr. Asstt. Librarian
2. Shri Surendra Y. Volvoikar, UDC
3. Smt. Sheila R. Satarkar, UDC
4. Smt. Judy Fernandes, Steno
5. Smt. Maria do Carmo Fernandes e Cabral, LDC
6. Shri Jonnalgadda Rosaiah, Block Attendant.
7. Shri Babuso L. Kunkolienkar, Block Attendant
8. Shri Kashinath G. Parwar, Block Attendant
9. Shri Vasant S. Parwar, Block Attendant
10. Smt. Ujwala Pednekar, Mali
11. Shri Santosh R. Desai, Peon

12. Kum. Shalini U. Desai, Sweeper
13. Shri Ashok V. Naik, Watchman
14. Smt. Sumati R. Naik, Sweeper.

**(d) Directorate of Technical Education**

1. Smt. Hillariana Fernandes, Head Clerk
2. Smt. Maya Devidas Morajkar, Steno
3. Smt. Maria Filomena das M. Joao, UDC
4. Smt. Senhorinha Lira Desa, UDC
5. Smt. Gauri G. Satardekar, UDC
6. Shri Yeshwant V. Maulinkar, UDC
7. Smt. Zubeda S. Hussein, UDC
8. Shri Bhalchandra M. Shetye, UDC
9. Smt. Sulbha A. Shirodkar, LDC
10. Smt. Chhaya U. Naik, LDC
11. Smt. Shilpa V. Korgaonkar, LDC
12. Shri Gopal M. Gawas, Peon
13. Shri Datta N. Vengurlekar, Peon
14. Shri Ulhas N. Gadekar, Peon
15. Shri Ramdas G. Parab, Peon
16. Shri Gurudas T. Naik, Peon
17. Smt. Vasanti Y. Sawantwadikar, Sweeper
18. Shri Chandrakant S. Shirodkar, Hamal
19. Shri Sushikumar G. Kamulkar, Peon.

**Government College of Architecture**

1. Kum. Yellawa K. Harijan, Hamal

**(e) Government Polytechnic, Bicholim**

1. Smt. Shruti H. Hoble, LDC
2. Shri Bablo L. Gaonkar, Watchman
3. Shri Umesh N. Wadkar, Hamal
4. Shri Govind K. Gawas, Hamal
5. Shri Santosh S. Talavanekar, Hamal.

**(f) Government Polytechnic, Panaji**

1. Smt. Maria Dias Juliao, Jr. Steno
2. Smt. Shalini M. Gosawi, Jr. Steno
3. Shri Circumcisao F. de Almeida, UDC
4. Shri Shivnath B. Patil, UDC
5. Smt. Malini D. Golatkar, UDC
6. Shri Tukaram A. Patil, Sr. Storekeeper
7. Smt. Usha Channabasappa, LDC
8. Smt. Gauravi G. Bandodkar, LDC
9. Smt. Komal Vaigankar, LDC
10. Smt. Sabina G. Lobo, LDC
11. Shri Ranganath K. Naik, LDC

12. Shri Ladu B. Vast, Lib. Attendant
13. Shri Baburao V. Kalangutkar, Peon
14. Smt. Geeta K. Travasso, Hamal
15. Shri Vithobha D. Kundaikar, Hamal
16. Shri Anna S. Shetye, Hamal
17. Shri Sonu B. Gaonkar, Hamal
18. Shri Joao B. Lourenco, Hamal
19. Shri Joao S. Rego, Hamal
20. Shri Hari L. Divkar, Hamal
21. Shri Ramdas V. Gawas, Hamal
22. Smt. Berta Vas, Hamal
23. Shri Subhash B. Harmalkar, Hamal
24. Shri Rajan S. Chopdekar, Hamal
25. Shri Naru Dias, Hamal
26. Shri Govind R. Hadkonkar, Hamal
27. Shri Deepak P. Varadkar, Hamal
28. Shri Pramod Narvekar, Hamal
29. Shri Yeshwant M. Korgaonkar, Hamal
30. Shri Subbaraydu Kondiah, Sweeper
31. Smt. Surajani S. Kunkolkar, Sweeper
32. Smt. Chitra N. Kuttikar, Sweeper
33. Smt. Shrimati K. Kunkoliekar, Sweeper
34. Smt. Gunji Chakramma, Sweeper
35. Shri Shashikant A. Redkar, Watchman
36. Shri Sayog wali Hussain Khadri, Watchman
37. Shri Sirajuddin Shaikh, Watchman
38. Shri Arjun L. Masurkar, Watchman
39. Shri Shankar D. Shirodkar, Watchman
40. Shri Sahadev S. Teli, Hamal
41. Shri Satyawan D. Gawas, Hamal.

Further, the seniority list of the absorbed staff members/officials alongwith the staff members alongwith the staff of Directorate of Technical Education, Board of Technical Education and the Institutions under the Directorate of Technical Education's cadre shall be prepared on the basis of date of regular appointment/promotion in the respective post of cadre of their respective parent Departments.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education & ex officio Addl. Secretary.

Porvorim, 24th May, 2010.

## Department of Finance

Office of the Commissioner of Excise

—  
Order

No. CE/1-6-2005/Est/23

In partial modification to this Office Order No. CE/1-6-2005/Est/11 dated 11-5-2007 and as under Section 5 of the Right to Information Act, 2005, Asstt. Commissioner of Excise-I is hereby designated as Public Information Officer for the Office of the Commissioner of Excise, Panaji, to provide information under, "The Right to Information Act, 2005".

P. S. Reddy, Commissioner of Excise.

Panaji, 20th May, 2010.



## Department of Labour

—  
Notification

No. 28/1/2010-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-II, at Panaji-Goa on 19-03-2010 in reference No. IT/39/03 is hereby published as required by Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 18th May, 2010.

THE LABOUR COURT-II  
GOVERNMENT OF GOA  
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)

Case No. Ref. IT/39/03

Mr. Peter Fernandes,  
Pomburpa Area,  
P. O. Carona, Pomburpa,  
Bardez-Goa. ... Workman/Party I

V/s

M/s. Whispering Palms  
Beach Resort,  
Candolim Beach,  
Candolim, Bardez-Goa. ... Employer/Party II

Party I/Workman is represented by Adv., G. Singh Juneja.

Party II/Employer is represented by Adv., A. Kundaikar.

Panaji, dated: 19-03-2010

## AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 02-07-2003 bearing No. 28/07/2003-LAB referred the following dispute for adjudication by the Industrial Tribunal of Goa, at Panaji-Goa.

- (1) Whether Shri Peter Fernandes, Restaurant-in-charge, can be construed as Workman as per clause (s) of Section 2 of the Industrial Disputes Act, 1947?
- (2) If the answer to the above Issue No. 1 is affirmative, then, whether the action of Management of M/s. Whispering Palms Beach Resorts, Candolim, Bardez-Goa, in terminating the services of Shri Peter Fernandes, with effect from 05-03-1998, is legal and justified?
- (3) If the answer to the above Issue No. 2 is in the negative then to what relief the Workman is entitled?"

2. On receipt of the reference, a case was registered under No. IT/39/03 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short "Workman") filed his statement of claim on 23-10-2003 at Exhibit-4. The Workman stated that he was working in the Hotel of the Employer/Party II (for short "Employer") situated at Candolim-Goa since 16-12-1991. He stated that the Employer Hotel is a three star hotel having about 125 Employees. He stated that he was last designated as "Restaurant in-charge". He stated that he was working on the said permanent post and was the confirmed Employee having put in seven years service without any blemish. He contended that he is a "Workman" as defined under the I. D. Act, 1947 and was covered under the wage settlements signed between the Union and the Management of the Employer Hotel. He stated that he was not given any privileges or special pay or special powers of an Executive Officer or Supervisor. He

stated that the monthly wages drawn by him as on 05-03-1998 were Rs. 3,923/- p. m. plus additional dearness allowance or variable dearness allowance. He stated that his past record was excellent and he has not committed any misconduct or insubordination of whatsoever nature. He stated that he was falsely, deliberately and in a planned manner implicated in criminal charges on 04-03-1998 and 05-03-1998 wilfully and with full knowledge, for his normal and legitimate union activities as well as for being sympathetic to the Union. He stated that since 05-03-1998, the Employer forcibly, coercively and deliberately kept him away from joining his duty as 'Restaurant-in-charge' for the last about 4-5 years despite of his genuine efforts to join his duties. He stated that the Party II had issued stern order with threats that the Party I shall not visit the Hotel again and again and strongly refused to allow him to join his duty, and which acts of the Party II amounts to unfair Labour practice and victimization. He stated that there is no reason for his termination of services by the Party II. He stated that the Party II has not even conveyed to him the termination order during these 4-5 years. He stated that he was repeatedly told that he will be allowed to join his duties only on completion of the hearings of the Session Court in the case filed against him and that he will be treated as terminated, if the Court verdict goes against him. He stated that he has been forcibly and deliberately refused employment. He stated that he has been acquitted by the Additional Session Court, Mapusa, from the charges levelled against him. He stated that he, vide his letter dated 08-04-2002 informed the Party II to allow him to join his duties and to pay him full back wages, however, the Party II neither acceded to his request nor replied to his aforesaid letter. He stated that he has not been charge sheeted by the Party II during the coarse of these 4-5 years or at any time for any alleged misconduct. He submitted that since the Hon'ble Session Court acquitted him from the charges levelled against him, the question of charge sheeting again by the Party II does not arise at all. He stated that he has not been charge sheeted by the Party II on the basis of criminal charges. He contended that he has not been paid his legal dues by the Party II at any time. He contended that he never received any written communication showing that his service has been terminated by the Party II. He

contended that since the Party II has terminated his services without conducting any domestic enquiry, the said termination becomes unfair, malafide and unjustified. He contended that he has been dismissed from services by an incompetent authority.

3. The Employer controverted the claim of the Party I by filing its written statement on 04-12-2003 at Exb. 5. The Employer by way of preliminary objection stated that the purported dispute raised by the Party I is not maintainable as it is abnormally belated and there is inordinate delay in raising the dispute and it is barred by latches. The Employer stated that the Party I was employed in managerial and administrative capacity and hence he is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. The Employer however admitted that the Party I was appointed as a Captain (F & B) in pursuance to his application dated 18-11-1991 after taking his interview. The Employer stated that the terms and condition of the services of the Party I were also stipulated in his appointment letter issued to him. The Employer stated that one of the conditions of the appointment of the Party I was that "if you commit any breach of the conditions above or found of misconduct including dishonesty, absence without leave, disobedience of any lawful order or instructions or any misconduct calculated to bring the Company or its employee into disrepute inclusive of any act Employees into outside your duty hours and outside the premises, to the establishment which has any material bearing on the smooth and efficient working of the Company, your services will be terminated without notice or any payment in lieu of the notice. In such case, you will have no claim on the Company whatsoever." The Employer stated that the Party I was promoted as 'Restaurant-in-charge' w.e.f. 01-01-1995 in Grade-I in the scale applicable to the Supervisory Cadre. The Employer stated that in the letter of promotion issued to the Party I, he was entrusted with the duties to ensure that the waiters, stewards, captains report on duty in time. The Employer stated that the Party I remained unauthorizedly absent from 05-03-1998. The Employer stated that on 09-03-1998, the Party I was issued with a letter calling upon him to join for his duties not later than 14-03-1998 with written explanation to his last known address by registered A/D letter, which letter returned back unserved with postal remark, "Unclaimed, returned to sender". The Employer

stated that the legal dues which were sent to the Party I at the same address was also accepted by the Party I, however the Party I has refused to accept the termination letter issued to him and therefore, the action of the Party II in terminating the services of the Party I is legal and justified. The Employer denied that the Party I had put in the service without any blemish. The Employer stated that during the tenure of the services of the Party I, he was issued with various warnings and suspension letters for serious misconduct and his service record was also not satisfactory as per the performance appraisal report. The Employer stated that the Party I was served with the inter office memo dated 17-05-1993 and was also placed under suspension for gross misconduct. The Employer stated that its employee has also filed a complaint dated 17-05-1993 for refusing the lawful communication addressed to him. The Employer stated that on 15-05-1993, he was issued with inter office memo for misconduct and was also placed under suspension for his misconduct. The Employer stated that the Party I was issued a warning letter dated 10-04-1996 for willful negligence of duties, dishonesty to the company in violation of rules and regulations. The Employer denied that the Party I was paid additional dearness allowance or variable allowance. The Employer stated that the Party I was gainfully employed in Gulf and therefore abandoned the services for better prospects and when the same was discovered wanted to take advantage. The Employer denied the case of the Party I in toto as pleaded in his statement of claim filed in the present proceedings. The Employer therefore prayed that an award be passed holding that the Party I is not entitled for any relief.

4. Thereafter the Party I filed his re-joinder on 15-04-2004 at Exb. 6. The Party I by way of his re-joinder denied the case of the Employer which is contrary to his case and reiterates, confirms the statement/averments and submissions made by him in his claim statement.

5. On the basis of pleadings filed by the respective parties, this Court framed the following issues at Exb. 7.

1. Whether the Party I proves that he is a "Workman" as defined u/s 2(S) of the I. D. Act, 1947?
2. Whether the Workman/ Party I proves that the Party II terminated his services in

violation of the provisions of Section 25-F of the I. D. Act, 1947?

3. Whether the Party I proves that the termination of his services by the Party II w.e.f. 05-03-1998 is illegal and unjustified?
4. Whether the Party II proves that the reference is not maintainable because the dispute is belated and barred by latches?
5. Whether the Party I is entitled for any relief?
6. What Award?

6. My Findings to the aforesaid issues are as under:

Issue No. 1 Negative.  
 Issue No. 2 Negative.  
 Issue No. 3 Negative.  
 Issue No. 4 Affirmative.  
 Issue No. 5 Negative.  
 Issue No. 6 As per final order.

#### REASONS:

7. *Issue No. 1:* This Hon'ble Court framed the existing issue No. 1 i.e. "Whether the Party I proves that he is a "Workman" as defined u/s 2(S) of the I. D. Act, 1947?" since the Employer in its written statement filed in the present proceedings stated that the Party I is not the "Workman" as defined u/s 2(s) of the I. D. Act, 1947.

I have heard the arguments of the Ld. advocates appearing for the respective parties.

The Ld. Adv., Shri G. Singh Juneja appearing for the Party I during the course of his oral arguments submitted that the Party I was admittedly employed with the Party II and was promoted as Restaurant-in-charge w.e.f. 01-01-1995 in Grade-I. He submitted that at the time of promotion of the Party I to the post of 'Restaurant-in-charge', he was issued a promotion letter which is on record at Exb. W-1 in which the duties of the Party I were mentioned. He submitted that the Party I in his oral evidence stated that he was performing the same duties as performed by him earlier as a 'Captain' and when he was prompted as a Restaurant-in-charge, certain extra responsibilities were given to him. He submitted that the nature of the duties performed by the Party I were that of looking after the guests, taking the orders from the guests, serving the guests, to know whether the guests are completely

satisfied with the services, to find out whether there were any complaints from the guest regarding service or suggestions and accordingly he used to report to F & B Manager. He therefore submitted that the aforesaid duties mentioned by the Party I are of clerical in nature and hence he is a "Workman" as defined u/s 2(s) of the I. D. Act, 1947.

On the contrary, the Ld. Adv., Shri A. Kundaikar appearing for the Employer submitted that the Party I was initially appointed as a "Captain" and subsequently promoted as a 'Restaurant-in-charge' vide letter of the Party II dated 11-01-1995 which is on record at Exb. W-1. He submitted that the said promotion letter of the Party I on record at Exb. W-1 clearly shows the nature of the duties allotted and performed by the Party I. He further submitted that the duties stated in the said promotion letter of the Party I at Exb. W-1 clearly shows that the Party I was supervising waiters, stewards, captains etc. working under his control and in their absence, he used to make suitable alternative arrangement in consultation with F & B Manager. He submitted that the Party I was also required to see that the restaurant, deck/pool side is functioning smoothly and efficiently and try to improve the sales of the restaurant. He therefore submitted that the aforesaid duties entrusted to him and performed by the Party I clearly constitutes the duties of supervisory, administrative and managerial in nature and was admittedly drawing the wages of Rs. 4,500/- p. m. and hence the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947.

I have carefully perused the records of the present case. I have also carefully considered various legal submissions made by the Ld. Advocates appearing for the respective parties during the course of oral arguments.

Undisputedly, the Party I was initially employed with the Party II and designated as 'Captain' (F & B). The Party I was subsequently promoted as a "Restaurant-in-charge" w.e.f. 01-01-1995 by the letter of the Party II dated 11-01-1995. The said letter of promotion issued to the Party I have been produced on record by the Party I at Exb. W-1. The said promotion letter dated 11-01-1995 (Exb. W-1) on record clearly indicates the duties & responsibilities entrusted to the Party I. Admittedly, by the said promotion letter dated 11-01-1995 issued to the Party I, he was entrusted with the duties that he will be in-charge of the complete restaurant,

ensure that the restaurant, deck/poolside is setup for breakfast, lunch/snacks and dinner, also ensure that various crockery, cutlery, table wear etc., are arranged for the various food nights such as bar-be-que and outdoor catering also, and ensure that the waiters/stewards, captains report on duty in time and in case of absence of staff ensure that suitable alternative arrangements are being made in consultation with the F & B Manager. He was also required to see that the restaurant, deck/pool side is functioning smoothly and efficiently and try to improve the sales of the restaurant. The Party I in his oral evidence on record stated certain duties performed by him while in the employment of the Party II in addition to the duties as stipulated in his promotion letter dated 11-01-1995 (Exb. W-1).

8. Thus, the Party I has to perform the aforesaid duties in addition to other duties. Therefore, while deciding the issue No. 1, the aforesaid duties of the Party I as stated in his promotion letter at Exb. W-1 shall be treated as primary nature of his duties as a 'Restaurant- in-charge' of the Party II. Certainly the duties and responsibilities such as ensure that the waiters, stewards, captain report on duty in time and in case of absence of staff ensure that suitable alternative arrangements are being made in consultation with the F & B Manager, to see that the restaurant, deck/pool side is functioning smoothly and efficiently and try to improve the sales of the restaurant had been performed by the Party I. The said duties performed by the Party I are supervisory, administrative and managerial in nature since while performing the aforesaid duties, the Party I had to supervise the waiters/stewards, captains as to whether they are reporting their duty in time. Similarly, he has to make the alternative arrangements in the absence of the aforesaid staff while performing duties such as setting of the restaurant, deck/pool side for breakfast, lunch/ /snacks and dinner. He had to also observe/supervise the smooth and efficient functioning of the restaurant, deck/pool side etc. The aforesaid duties therefore cannot be performed by himself, but had to be performed with the help of the subordinate staff working under him. The Ld. Adv., Shri G. Singh Juneja appearing for the Party I relied upon a decision of a *Hon'ble High Court of Delhi in the case of K. H. Pandhi v/s The Presiding Officer, Addn. Labour Court & anr. reported in 2004 LAB IC 1401*, wherein it has been held that the Petitioner was required to write account and prepare related

statements of accounts and he was also required to make entries of the voucher in the Account Books. He was also performing accountancy work only and according to the Chartered Accountant who used to come from outside. It was held that the duties performed were clerical in nature and he must be treated as a "Workman". The duties allegedly performed in the aforesaid case before the Hon'ble High Court of Delhi are totally different than those in the present case. Hence, the principle laid down by the Hon'ble High Court of Delhi in its aforesaid case is not applicable to the present case.

On the contrary, the Ld. Adv., Shri A. Kundaikar appearing for the Party II relied upon a *decision of the Hon'ble High Court of Bombay in the case of Union Carbide (India) Ltd. v/s D. Samuel and Ors. reported in 1998 (80) FLR 684* wherein it has been held that "The documentary evidence on record clearly spells out that the petitioner was treated as a supervisor of the Company. As a supervisor he was delegated supervisory functions. In terms of the said delegations he has exercised those powers. In the light of all those documentary evidence I have no hesitation in holding that the petitioner falls within the definition of supervisor and therefore would be excluded from the definition of the "Workman". The Hon'ble High Court of Bombay also laid down certain tests while deciding the person concern I. D. Act, 1947 which can be answered in terms as follows.

9. The Party I was designated as 'Restaurant-in-charge' and his primary nature of duties were also spelt out in his letter of promotion at Exb. W-1. He was ensuring that the waiters/stewards, captain's report on duty in time and in case of absence of staff he used to ensure that suitable alternative arrangement are being made in consultation with F & B Manager. Thus, the duties spelt out in his promotion letter clearly indicates that he was having power to direct or oversee the work of waiters/stewards, captains etc. He was also responsible for smooth and efficient functioning of the restaurant, deck/pool side. The aforesaid duties performed by the Party I as a 'Restaurant-in-charge' are certainly supervisory, administrative and Managerial in nature. Admittedly, he was drawing the salary of Rs. 4,500/- p. m. and hence it is held that the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947.

10. *Issue Nos. 2 & 3:* It is the Party I who has raised the present Industrial Dispute by contending that his services have been illegally terminated by the Party II w.e.f. 05-03-1998 in violation of Section 25-F of the I. D. Act, 1947. The Party I also contended that his services has been terminated by the Party II without conducting any enquiry and hence it is illegal and unjustified. The Party II denied the aforesaid contentions of the Party I. Therefore, the onus to prove the aforesaid contentions is on the Party I. This Court therefore framed the existing Issue Nos. 2 & 3 respectively.

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

The Ld. Adv., Shri G. Singh Juneja appearing for the Party I, during the coarse of his oral arguments submitted that it is the Party I who has raised the present Industrial Dispute pertaining to his termination of services by the Party II by alleging that the termination of his services by the Party II w.e.f. 05-03-1998 is illegal and unjustified. He submitted that the services of the Party I has been terminated without any misconduct or insubordination of whatsoever nature on his part. He further submitted that the Party II has also not conducted any enquiry against the Party I before the termination of his services pertaining to the misconduct if any. He further submitted that there is nothing on record that the services of the Party I has been validly retrenched and hence the termination of services of the Party I is in violation of Section 25-F of the I. D. Act, 1947 and hence it is malafide, illegal and unjustified. He submitted that the termination of services amounts to unfair labour practice and victimization.

11. On the other hand, the Ld. Adv., Shri A. Kundaikar representing the Employer submitted that the Employer controverted the claim of the Party I preliminarily on the ground that the Party I was employed and designated as 'Restaurant-in-charge' in the supervisory, administrative and managerial cadre and hence he is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947 and therefore this Court has no jurisdiction to entertain the present reference issued by the Government of Goa. He submitted that the termination order issued to the Party I by the Party II vide its letter dated 18-03-1998 is fair, just and legal on account of continuous, unauthorized absenteeism of the Party I.

I have carefully gone through the records of the present case. I have also carefully considered various legal submissions by the Ld. Advocates appearing for the respective parties during the course of oral arguments.

While discussing the issue No. 1 hereinabove I have already come to the conclusion and held that the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. Therefore, this being the position, this Hon'ble Court has no jurisdiction to entertain and decide the present reference issued by the Government of Goa. It is therefore held that this Court lacks jurisdiction to decide the validity of the termination order issued to the Party I by the Party II.

**12. Issue No. 4:** The Party II in the written statement filed by them in the present proceedings controverted the claim of the Party I preliminary on the ground that the dispute is abnormally belated and is barred by latches. This Hon'ble Court therefore, framed the existing Issue No. 4 thereby putting the burden to prove the same on the Party II.

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

The Ld. Adv., Shri G. Singh Juneja appearing for the Party I in support of his case submitted that it has come on record that the Party II had given him assurance that he will be taken in the employment after the verdict of the Session Court and immediately upon his acquittal from the criminal charges by the Additional Session Judge, Mapusa and that the Party II failed to take him back in its employment after he has been acquitted by the Additional Session Court, Mapusa. He submitted that the I. D. Act, 1947 as well as the rules made under the said acts does not prohibits the aggrieved party to raise an Industrial Dispute in the event, he is aggrieved by the any decision of the Employer pertaining to his employment or non-employment or the terms of employment or with the conditions of the labour of any persons. He finally submitted that the Limitation Act is not applicable in raising an Industrial Dispute.

On the contrary, the Ld. Adv., Shri A. Kundaikar representing the Employer submitted that he has disputed the present dispute raised by the Party I by stating that the Party I is not a "Workman" as

defined u/s 2(s) of the I. D. Act, 1947. He submitted that the evidence on record clearly indicates that the Party I has raised the present dispute pertaining to his termination order dated 05-03-1998 for the first time on 17-04-2002 by alleging that it is illegal and unjustified. He submitted that this act of the Party I of raising the Industrial Dispute after a gap of around four years clearly shows the intention of the Party I in raising the present dispute is an afterthought.

I have carefully gone through the records of the present case. I have also carefully considered various legal submissions by the Ld. Advocates appearing for the respective parties during the course of oral arguments.

Admittedly, the services of the Party I has been terminated by the Party II w.e.f. 05-03-1998. The Party I had raised the present industrial dispute before the Asst. Labour Commissioner and Conciliation Officer, Mapusa pertaining to his alleged illegal termination of services for the first time on 17-04-2002. The Party I tried to justify the delay in raising the Industrial Dispute pertaining to his alleged illegal termination w.e.f. 05-03-1998 by contending that the Party II had given him assurance that he will be taken in the employment after the verdict of the Court and immediately upon his acquittal from the criminal charges by the Additional Session Judge, Mapusa and that the Party II failed to take him back in its employment after he has been acquitted by the Additional Session Judge, Mapusa. The Party I however failed to produce on record any cogent evidence in support of his aforesaid statement. Even otherwise, the justification given by the Party I for delay in raising an Industrial Dispute appears to be unsatisfactory. Hence, it, is held that the present dispute is raised at the belated stage and is also suffers from latches.

**13. Issue No. 5:** While discussing the Issue No. 1 hereinabove I have already come to the conclusion and held that the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947 and hence this Hon'ble Court has no jurisdiction to decide the present issue referred by the Government of Goa. Consequently, this Court is unable to grant any relief sought by the Party I. Hence, it is held that the Party I is not entitled to any relief sought by him.

In view of the above discussion and with regards to the facts and circumstances of the case I proceed to pass the following Order:

## ORDER

It is held that the Party I, Shri Peter Fernandes, Restaurant-in-charge, cannot be construed to be a "Workman" as defined u/s 2(s) of the Industrial Disputes Act, 1947. Consequently, the Party I, Shri Peter Fernandes is not entitled to any relief from this Court.

No order as to costs.

Inform the Government accordingly.

Sd/-  
(Suresh N. Narulkar),  
Presiding Officer,  
Labour Court-II.

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**Department of Panchayati Raj and  
Community Development**

**Directorate of Panchayats**

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**Notification**

No. 19/12/DP/ELEC-RES/PUBL/07/2460

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the Schedule hereinbelow has been elected as Sarpanch/Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said Schedule in the meeting held on as mentioned in column No. 4 of the said Schedule.

**SCHEDE**

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch/Dy. Sarpanch	Date of election
1	2	3	4
1	V. P. Penha-de-France, Bardez-Goa	Gopal Kashinath Sawant, H. No. 383, Penha-de-France, Bardez-Goa	19-03-2010

**Sarpanch:**

1. V. P. Penha-de-France, Bardez-Goa

**Sarpanch:**  
Shri Atmaram Hankhane, Pernem-Goa

**Dy. Sarpanch:**  
Shri Camilo Jose Fernandes, Hedus, Ibrampur, Pernem-Goa

**Sarpanch:**  
Shri Prakash G. Naik, H. No. 446/C, Voilembhat, Merces, Tiswadi-Goa

**Dy. Sarpanch:**  
Kum. Shilpa Govind Parab, Deulwada, Allorna, Pernem-Goa

**Sarpanch:**  
Francis Inacio Lobo, H. No. 267, Deulwada, Marcela-Goa

**Sarpanch:**  
Mr. Santosh K. Talkar, H. No. 426/1, Gawandiwada, Karapur, Bicholim-Goa

**Dy. Sarpanch:**  
Smt. Reshma Rajesh Sinai Amonkar, H. No. 1120/1, H. B. Colony, Porvorim, Bardez-Goa

**Sarpanch:**  
Smt. Vasundhara Yesso Sawant, Musbhat-Talaulim, Ponda-Goa

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES II No. 10

3RD JUNE, 2010

	<i>Dy. Sarpanch:</i>	
9. V. P. Carambolim, Tiswadi-Goa	Smt. Smita S. Naik, Khalpora, Carambolim, Tiswadi-Goa	28-04-2010
	<i>Dy. Sarpanch:</i>	
10. V. P. Querim- -Tiracol, Pernem-Goa	Shri Anil Vithu Vast, Talwada, Querim, Pernem-Goa	29-04-2010
	<i>Sarpanch:</i>	
11. V. P. Orlim, Salcete-Goa	Smt. Shirley Anton Braz, H. No. 277, Batty, Orlim, Salcete-Goa	29-04-2010
	<i>Dy. Sarpanch:</i>	
	Smt. Babita Bonny Vaz, H. No. 110/C, Demonaik, Orlim, Salcete-Goa	29-04-2010
	<i>Dy. Sarpanch:</i>	
12. V. P. Socorro, Bardez-Goa	Shri Sanjay A. Pednekar, H. No. 365, , Charem, Socorro, Bardez-Goa	30-04-2010

*Menino D'Souza*, Director of Panchayats.

Panaji, 18th May, 2010.

**Notification**

No. 19/35/DP/ZP/ELECT/2009/2504

In pursuance of Section 128 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), read with sub-rule (2) of Rule 58 of the Goa Panchayat and Zilla Panchayats (Election Procedure) Rules, 1996, it is hereby notified for the information of the public that the person specified in column No. 2 of the Schedule appended hereto have been duly elected as member of South Goa Zilla Panchayat from the constituency shown against the name in column No. 3 of the said Schedule in the General Election held on 09-05-2010.

**SCHE**DU**LE**

Name of District: South Goa

Sr. No.	Name and address of elected member	No. and name of Zilla Panchayat constituencies
1	2	3
1	1. Mr. Edwin Domingo Cardozo, H. No. 658, Ravora, Navelim, Salcete-Goa	10—Navelim

By order and in the name of the Governor of Goa.

*Menino D'Souza*, Director of Panchayats & ex officio Joint Secretary.

Panaji, 26th May, 2010.

**Notificati**on

No. 19/35/DP/BYE-ELN/08/2506

In pursuance of sub-section (8) of Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), read with Rule 58 of the Goa Panchayat and Zilla Panchayats (Election Procedure) Rules, 1996, it is hereby notified for the information of the public that the person specified in column No. 3 of the Schedule appended hereto have been duly elected as member of the Panchayat mentioned in the corresponding entry in column No. 2 from the ward shown against the name in column No. 4 of the said Schedule in the bye-election held on 09-05-2010.

**SCHE**DU**LE**

Sr. No.	Name of the Village Panchayat	Name and address of the elected member	Ward No.
1	2	3	4
1.	Village Panchayat Ucassaim- -Paliem- -Punola, Bardez-Goa	Mr. Nitesh Ganpat Gadekar, H. No. 25/1, Near Trick Soda Factory, Paliem, Ucassaim, Bardez-Goa	VII Reserved for OBC

By order and in the name of the Governor of Goa.

*Menino D'Souza*, Director of Panchayats & ex officio Joint Secretary.

Panaji, 26th May, 2010.

## Department of Personnel

—  
Order

No. 7/5/2006-PER

Read: 1) Order No. 46011/3/2009-IFS-I(AGMUT)  
(7) dated 9-12-2009.  
2) Order No. 7/11/2009-PER dated  
29-01-2010.

Sanction of the Government is hereby accorded to upgrade the post of Managing Director, Goa Forest Development Corporation temporarily to the rank as Additional Principal Chief Conservator of Forests in the pay scale of HAG (Rs. 67,000/-79,000/-).

Consequently, in pursuance to the Government of India, Ministry of Environment and Forest Order No. 46011/3/2009-IFS-I(AGMUT)(7) dated 9-12-2009, Governor of Goa is pleased to post Shri Richard D'Souza, IFS (AGMUT:80), as Managing Director, Goa Forest Development Corporation, on upgraded post, with immediate effect.

The upgraded post of Managing Director, Goa Forest Development Corporation shall continue till the present incumbent Shri Richard D'Souza, IFS holds the said post. Once the officers relinquish the said post, the same shall be restored to its original status/post.

Shri Richard D'Souza, IFS reported for duty as Additional Principal Chief Conservator of Forests on 11-12-2009 (f.n.).

This issues with the concurrence of the Administrative Reforms Department vide U. O. No. JS (AR) 226-1411084 dated 8-4-2010 and Finance Department (Revenue & Control) vide their U. O. No. 1135-F dated 20-04-2010. This has also approval of the Cabinet.

By order and in the name of the Governor of Goa.

*N. P. Singnapurker*, Under Secretary (Personnel-II).

Porvorim, 13th May, 2010.

## Department of Public Health

—  
Order

No. 24/9/2006-I/PHD

Government is pleased to extend the contractual appointment of the following eleven Homoeopathic Physicians under Directorate of Health Services for further period of one year shown against their names on the same terms and conditions contained in the agreement executed by them with the Government.

1. Dr. Indira Noronha	09-06-2010 to 08-06-2011.
2. Dr. Elizabeth F. V. Lacerda	07-06-2010 to 06-06-2011.
3. Dr. Rupali Vernekar	06-06-2010 to 05-06-2011.
4. Dr. Vijayalaxmi Deepak Desai	09-06-2010 to 08-06-2011.
5. Dr. Dominic Maurilo D'Souza	09-06-2010 to 08-06-2011.
6. Dr. Swati Vishwanath Desai	10-06-2010 to 09-06-2011.
7. Dr. Pallavi M. Kanekar	09-06-2010 to 08-06-2011.
8. Dr. Reena Sandeep Parab	10-06-2010 to 09-06-2011.
9. Dr. Shradha Sadanand Parsekar	09-06-2010 to 08-06-2011.
10. Dr. Marilyn D. T. V. Teles	11-06-2010 to 10-06-2011.
11. Dr. Sprandhan Desai	19-06-2010 to 18-06-2011.

By order and in the name of the Governor of Goa.

*D. G. Sardessai*, Joint Secretary (Health).

Porvorim, 19th May, 2010.

—  
Order

No. 45/1/2005-I/PHD

Read: Memorandum No. 45/1/2005-I/PHD dated 05-04-2010.

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/I/5//24(1)/95-2009/Vol.III/61 dated 08-03-2010, the

Government is pleased to appoint Dr. Viraj Nagoji Naik Namshikar as Junior Anaesthetist (Group 'A' Gazetted) in the Pay Scale of PB—3 Rs. 15,600-39,100+Grade Pay Rs. 5,400 under the Directorate of Health Services with immediate effect as per the terms and conditions contained in the Memorandum of even number dated 05-04-2010 and post him at Hospicio Hospital, Margao.

Dr. Viraj Nagoji Naik Namshikar shall be on probation for a period of two years.

His appointment is made subject to the verification of character and antecedent. In the event of any adverse matter noticed by the Government on verification of character and antecedents, his services will be terminated. He is declared medically fit by the Medical Board.

By order and in the name of the Governor of Goa.

*Derrick P. Neto, Under Secretary (Health).*

Porvorim, 24th May, 2010.



Department of Public Works  
Office of the Principal Chief Engineer

—  
Order

No. 64/5/2002/PCE-PWD-ADM(II)/84

Whereas Shri Shrikant V. Naik who was temporarily appointed on ad hoc basis as Assistant Engineer (Mech.) vide Government order dated 4-5-1977 had joined in Public Works Department on 31-05-1977. He was confirmed in the grade of Assistant Engineer (Mech.) w.e.f. 1-1-1980 by an order dated 14-02-1997.

And whereas, Shri Naik was on deputation in the Kadamba Transport Corporation Ltd., for the period from 01-03-1981 to 23-02-1986 and was relieved from Public Works Department on 24-02-1986 B. N. consequent upon his selection to the post of Works Manager in the said Corporation. He was allowed to retain lien for a period of two years against the post of Assistant Engineer (Mech.) in PWD.

And whereas, Shri Naik has rendered 8 years, 9 months and 19 days service before being relieved from Public Works Department for joining to Kadamba Transport Corporation.

And whereas, in pursuance to the request of Shri Naik, Government has approved to consider 10 years of qualifying service in PWD for pensionary benefits vide letter No. 4/19-86-HD(G)/part file (1) dated 11-08-1994, provided Kadamba Transport Corporation or Shri Naik agrees to pay leave salary and pension contribution upto 9-2-1988.

And whereas, in pursuance to letter No. 4-19-86-HD (G) Part file 1 dated 10-10-94 and DA/PA VII/IV/4222 dated 11-11-1994, Shri Naik has paid leave salary and pension contribution till 9-2-1988 under challan dated 6-1-1995 and 9-1-1995 respectively and requested for consideration of the deputation period accordingly so as to have ten years qualifying service for pensionary benefits.

Now therefore, ex-post-facto Government approval is hereby accorded for consideration of 10 years of qualifying service in PWD in relaxation of Pension Rules by invoking the provision of Rule 88 of CCS (Pension) Rules, 1972 to get pensionary benefits under the rules in force.

By order and in the name of the Governor of Goa.

*A. M. Wachasundar, Principal Chief Engineer, PWD & ex officio Addl. Secretary.*

Panaji, 27th May, 2010.



Department of Revenue

—  
Order

No. 22/39/2006-RD

Whereas, the Government of Goa, vide Notification No. 22/39/2006-RD dated 31-10-2006, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 31, (Extraordinary No. 2) dated 04-11-2006, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. land acquisition for construction of approaches to Gaundalim Cumbharjua Bridges across river Mandovi and Cumbharjua (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 22/39/2006-RD dated 17-06-2008, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 12 (Extraordinay) dated 19-06-2008, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Pandharinath N. Naik, Under Secretary (Rev.).*

Porvorim, 25th May, 2010.

**Notification**

No. 23/16/2009-RD

Whereas by Government Notification No. 23/16/2009-RD dated 22-06-2009 published on the Official Gazette, dated 02-07-2009 and in two newspapers (1) "Navhind Times" dated 25-06-2009 and (2) "Gomantak" dated 26-06-2009 it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was needed for public purpose viz. Land Acquisition for the const. of DWC 1R at ch. 3770 m. of LBMC of TIP at Latambarcem Village in Bicholim Taluka.

And whereas, the Government of Goa (hereinafter referred to as "the Government") being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) of Section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall, at any time, on the expiry of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer (N), G.T.I.D.C., Karaswada, Colvale Road, Bardez-Goa to perform the functions of the Collector, for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said The Special Land Acquisition Officer (N), G.T.I.D.C., Karaswada, Colvale Road, Bardez-Goa till the award is made under Section 11.

**SCHEDULE**

(Description of the said land)

Taluka: Bicholim

Village: Latambarcem

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
794-P	O: Udaisingh Wamanrao Rane Sardessai.	4750
799/3(P)	O: Pratapshinva Wamanrao Rane Sardessai. O.R: 1. Sagun Laxman Parwar. 2. Vishnu Vasu Parwar. 3. Shiva Upaso Parwar. 4. Krishna Upaso Parwar. 5. Ladko Bhango Parwar. 6. Narayan Ladko Parwar. 7. Ladko Bhikaji Parwar. 8. Bhingo Bablo Parwar. 9. Budgo Dulo Parwar. 10. Tukaram Bablo Parwar. 11. Anant Shablo Parwar. 12. Shankar Laxman Parwar.	2290
801/(P)	O: Paratapshinva Wamanrao Rane Sardessai.	3565
57(P)	O: Raosaheb Abasaheb R.	2905
55/(P)	O: 1) Shivajirao Abaseheb Rane. 2) Government Tillari Irrigation Department.	1410

1	2	3
<i>Boundaries:</i>		
North	S. No. 794/-, 799/3, 801, 57, 55.	
South	S. No. 55, 57, 801, 794.	
East	S. No. 794, 799/3, 801, 57, 55.	
West	S. No. 55, 57, 801, 793/3, 794.	
	Total: 14920	

By order and in the name of the Governor of Goa.

*Pandharinath N. Naik, Under Secretary (Revenue).*

Porvorim, 18th May, 2010.

**Notification**

No. 23/12/2010-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is needed for public purpose, viz. Land Acquisition for the const. of existing road from Navelim Bus Stand to Navelim Church in length of 1.5 kms. (addl. area) in Margao City of Salcete Taluka.

And whereas in the opinion of the Government the provisions of sub-section (1) of Section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") are applicable.

Now therefore, the Government hereby notifies under sub-section (1) of Section 4 of the said Act, that the said land is needed for the purpose specified above.

The Government further directs under sub-section (4) of Section 17 of the said Act that the provisions of Section 5-A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4

below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, SIP, Gogol, Margao-Goa to perform the functions of a Collector, South Goa District, Margao-Goa, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Special Land Acquisition Officer, SIP, Gogol, Margao-Goa.
3. The Executive Engineer, W.D.VI,(R-S), PWD, Fatorda, Margao-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Special Land Acquisition Officer, SIP, Gogol, Margao-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

**SCHEDE**

(Description of the said land)

Taluka: Salcete

Village: Margao City

P.T. Sheet No./ Chalta No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
307/16(part)	O: 1. Pascoal Aleixo Fernandes. 2. Jose Piedade Fernandes. 3. Sacramento Conceicao Fernandes.	180

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1	2	3
<i>Boundaries:</i>		
North:	PTS. 307, Chalta No. 5.	
South:	PTS. 306, Chalta No. 1.	
East :	Road.	
West :	PTS. 307, Chalta No. 16.	
	Total: 180	

By order and in the name of the Governor of Goa.

*Pandharinath N. Naik, Under Secretary (Revenue-I).*

Porvorim, 27th May, 2010.

**Notification**

No. 22/13/2010-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for construction of school building of G. P. S. Ghodke Balli in Quepem-Goa.

Now, therefore, the Government hereby notifies, under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the

said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act, the Deputy Collector & SDO, Quepem-Goa, to perform the functions of a Collector, South Goa District, Margao-Goa, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Deputy Collector & SDO, Quepem-Goa.
3. The Director of Education, Panaji-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector & SDO, Quepem-Goa, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

**SCHEDULE**

(Description of the said land)

Taluka: Quepem	Village: Balli	
Survey No./ Sub-Div. No.	Name of the person believed to be interested	Approx. area in sq. mts.
1	2	3
108	Neves Pedro Joaquim Tavares.	2200

*Boundaries:*

North: S. No. 106.

South: S. No. 108/1.

East : Road.

West : S. No. 108/1.

Total: 2200

By order and in the name of the Governor of Goa.

*Pandharinath N. Naik, Under Secretary (Revenue-I).*

Porvorim, 27th May, 2010.

## Department of Town &amp; Country Planning

—  
**Notification**

No. 4-5-2-84-UDD(Part)/2010/1755

In exercise of the powers conferred under rule 3 (1) of the Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) Rules, 1977, the term of office of the Chairperson and members of Mormugao Planning and Development Authority constituted vide Notification No. 4-5-2-84-UDD(Part)/08/1881 dated 12-05-2008 is hereby extended until further orders.

By order and in the name of the Governor of Goa.

*Morad Ahmad*, Chief Town Planner & ex officio Joint Secretary.

Panaji, 27th May, 2010.



## Department of Women &amp; Child Development

—  
**Order**

No. 4-3-2000/W&amp;CD/Part I/1617

Read: Memorandum of even number dated 15-4-2010.

On the recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/ /59(1)2003/62 dated 8-3-2010, Government of Goa is pleased to appoint Smt. Swetal alias Varsha Swapnil Naik to the post of Child Development Project Officer/Social Welfare Officer (Group 'B' Gazetted) on temporary basis under the Directorate of Women and Child Development, in the pay scale of Rs. 9,300-34,800 plus grade pay of Rs. 4,200/- and other allowances as admissible with effect from the date of her joining. Smt. Swetal alias Varsha Swapnil Naik has been medically examined and found fit by the Medical Board Goa Medical Bambolim. She is posted as Child Development Project Officer at ICDS, Tiswadi Block.

In the event of any adverse matter noticed by the Government on verification of her character and antecedent, her services will be terminated.

The above appointment is subject to the terms and conditions stipulated in the offer of

appointment given to her under No. 4-3-2000/W&CD/Part-I/1251 dated 15-4-2010.

Smt. Swetal alias Varsha Swapnil Naik shall be on probation for a period of two years.

By order and in the name of the Governor of Goa.

*V. M. Paranjape*, Director & ex officio Joint Secretary (W & CD).

Panaji, 21st May, 2010.

————  
**Notification**

No. 2-144-2010/DW&amp;CD/1638

Read: Notification No. 6/2/2000/DW&CD/184 dated 14-3-2001.

In supersession of the earlier Notification, the Government of Goa is pleased to reconstitute a Grievance Redressal Committee for Anganwadi Workers and Helpers as under:

1. Director, Women & Child Development ... Chairperson.
2. Director (Health Services) ... Member.
3. Labour Commissioner ... Member.
4. Programme Officer, South ... Member.
5. All 11 CDPOs of each block ... Member.
6. Office Bearer of the Union ... Member of AWWs
7. Programme Officer, North ... Member Secretary.

1. This Committee shall meet atleast twice a year. However, any emergency meeting can be held considering the nature of grievance of AWWs/AWHs.
2. Issues dealt and considered by the Committee and decision of the Government thereto will be final and binding on all concerned and all such issues once decided by the Government shall not be raised for atleast a year thereafter.

By order and in the name of the Governor of Goa.

*Sanjiv M. Gadkar*, Director/ex officio Joint Secretary (W&CD).

Panaji, 24th May, 2010.

**Notification**

No. 1-276-05-06-DW&amp;CCD/1634

In exercise of the powers conferred under Section 5, sub-rule (1) & (2) of the Right to Information Act, 2005, the following Officers are designated as First Appellate Authority, Public Information Officer and Assistant Public Information Officer for the Directorate of Women & Child Development.

Sr. No.	Designation	Public Information Officer/Assistant Public Information Officer
1	2	3
1.	Dy. Director (Administration)	Public Information Officer.
2.	Child Development Project Officer, Tiswadi	Assistant Public Information Officer.
3.	Child Development Project Officer, Bardez	Assistant Public Information Officer.
4.	Child Development Project Officer, Pernem	Assistant Public Information Officer.
5.	Child Development Project Officer, Bicholim	Assistant Public Information Officer.
6.	Child Development Project Officer, Satari	Assistant Public Information Officer.
7.	Child Development Project Officer, Ponda	Assistant Public Information Officer.
8.	Child Development Project Officer, Salcete	Assistant Public Information Officer.
9.	Child Development Project Officer, Sanguem	Assistant Public Information Officer.
10.	Child Development Project Officer, Quepem	Assistant Public Information Officer.
11.	Child Development Project Officer, Canacona	Assistant Public Information Officer.
12.	Child Development Project Officer, Mormugao	Assistant Public Information Officer.
13.	Superintendent-cum-Probation Officer, Apna Ghar, Merces	Assistant Public Information Officer.
14.	Superintendent, Protective Home, Merces	Assistant Public Information Officer.

Further, in exercise of the powers conferred under sub-section (1) of Section 19 The Director of

Women & Child Development will be the First Appellate Authority under the Right to Information Act, 2005 against the decision of the Public Information Officer.

They should perform their duties as laid down in the Right to Information Act, 2005.

This Notification supersedes the earlier Order No. 1-276-05-06-DW&CD/1272 dated 24-8-2005 and Addendum No. 1-276-05-06/DW&CD/1439 dated 23-9-2005.

*Sanjiv M. Gadkar*, Director of Women & Child Development & ex officio Joint Secretary.

Panaji, 24th May, 2010.

**Notification**

No. 2-175-2008/DW&amp;CD/1707

The Government of Goa is pleased to constitute a committee of following officials for opening and scrutinizing of tenders to be received for the procurement of sarees and dress material under the scheme Vastra Bhet of the Directorate of Women and Child Development.

1. Director (Women & Child Development)	Chairperson.
2. Jt. Secretary (Finance)	Member.
3. Assistant Accounts Officer (DW & CD)	Member.
4. Accountant (DW & CD)	Member.
5. Social Welfare Officer (DW & CD)	Member Secretary.

The Committee on scrutiny shall recommend to the Government for the acceptance of the lowest tender or any other tender if not lowest with the reasons to be recommended thereto.

The Committee shall also suggest the modification in procedures to be followed for the better implementation of the scheme.

By order and in the name of the Governor of Goa.

*Sanjiv M. Gadkar*, Director & ex officio Joint Secretary (W & CD).

Panaji, 31st May, 2010.

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**Addendum**

No. 4-3-2000/W&CD/Part I/1620

Read: Order No. 4-3-2000/W&CD/Part I/1617  
dated 21-05-2010.

After para four of the above referred order, the following may be added as:

"The expenditure in respect of the above post shall be debited to the Budget Head of Account—2235—Social Security & Welfare, 02—Social Welfare, 102—Child Welfare, 03—ICDS including Health Cover (Plan) (A), 01—Salaries."

Consequent upon appointment of Smt. Swetal alias Varsha Swapnil Naik as a Child Development Project Officer, ICDS, Tiswadi, Smt. Bharati Verenkar, Programme Officer who is holding additional charge of Child Development Project Officer, ICDS, Tiswadi stands relieved from today (BN) dated 21-05-2010.

By order and in the name of the Governor of Goa.

*V. M. Paranjape*, Director & ex officio Joint Secretary (W&CD).

Panaji, 21st May, 2010.

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